

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Procedures Related to
Commission Views

Docket No. RM2020-3

PUBLIC REPRESENTATIVE COMMENTS

(January 16, 2020)

I. INTRODUCTION

Pursuant to the Commission's December 17, 2019, order establishing this rulemaking docket, the Public Representative hereby responds to the Commission's request for Comments.¹ The Commission established this docket to revise its rules related to the issuance of Commission views on certain international mail matters, pursuant to 39 U.S.C. 407(c)(1). Order at 1.

II. BACKGROUND

By law, the Secretary of State must request the Commission's view on whether a proposed rate or classification is in compliance with 39 U.S.C. 3622 before concluding any treaty, convention, or amendment that establishes a rate or classification for a market dominant product.² This requirement arises most often in connection with the United States' participation in the Universal Postal Union (UPU).

¹ Notice of Proposed Rulemaking to Amend Procedures Related to Commission Views, December 17, 2019, (Order No. 5353).

² See Postal Accountability and Enhancement Act, Pub. L. 109-435, 120 Stat. 3198 (2006), section 405(a); *see also* 39 U.S.C. 407(c)(1). Section 407(c)(1) refers to products subject to subchapter I of chapter 36 of the title 39, United States Code, which are market dominant products. Section 407(c)(1) also refers to the standards and criteria established by the Commission under section 3622.

The UPU is an international postal body that is comprised of 192 member nations.³ It serves an “advisory, mediating and liaison role” between these countries in order to set the rules for international mail exchanges. *Id.* In practice, the UPU holds Congresses to consider and vote on proposals that are submitted by the UPU councils and member countries. The Commission establishes dockets in advance of these Congresses to solicit comments from the public on the proposals, which the Commission can incorporate into the view that it provides the Secretary of State.

The Commission states that its proposed changes represent “minor improvements to enhance transparency and accountability within the Commission views process.” Notice at 3. The Commission characterizes the proposed revisions as “clarifying changes.” *Id.*

III. PUBLIC REPRESENTATIVE COMMENTS

The Public Representative supports the Commission’s proposed changes. The Public Representative concurs that the revised rules represent “clarifying changes” that retain the core procedures related to Commission views. The proposed change to the section’s definitions, found in § 3017.1, highlights the Commission’s emphasis on increased clarity. The revised language explains what views are, and what the Commission gives views on, in a clearer manner.

The Commission’s proposed revisions also appear to strengthen the Commission’s commitment to posting pending UPU proposals. Under the existing rule, relevant UPU proposals are posted in the appropriate docket “if the Commission is able to make these available.” 39 C.F.R. § 3017.3(a). In contrast, the proposed § 3017.3(b) states that the Commission “shall” post these proposals, using imperative language. Notice at 8.

³ <http://www.upu.int/en/the-upu/the-upu.html>

The revised rules also refocus potential commenters from the general to the specific. Currently, the Commission's rules solicit comments "on the general principles that should guide the Commission's development of views on relevant proposals, in a general way." 39 C.F.R. § 3017.3(a). The revised rule suggests that commenters "should focus on the specific relevant proposals." Notice at 8. The proposed change should result in comments that are more productive.

The Public Representative believes that these changes should improve the overall clarity of part 3017. For that reason, the Public Representative supports the proposed changes.

IV. CONCLUSION

The Public Representative respectfully submits the foregoing comments for the Commission's consideration.

Respectfully submitted,

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